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Remarks

Claims 1 to 19, as amended, remain in this application and are presented for reconsideration.

Claims 4 to 7 and 15 have been withdrawn from consideration as a result of Applicant's provisional election of the embodiment of Group III. However, in view of the fact that the parent claims are allowable, from which these withdrawn claims depend, Applicant urges that the Examiner consider the withdrawn claims and maintain them in the application.

Claim 1 as amended now recites a combination including the rack (with one or more channel members) and the solar panels. The Amended Claims overcome the Examiner's objections to Claims 1 and 3. Likewise, the Amended Claims also overcome the Examiner's objections to Claims 9 and 14, which clearly recite the channel member, channel nut and threaded member in the body of the claims.

Claims 1 and 2 were rejected under 35 U.S.C. 102 as being allegedly anticipated by Meacham (3,210,716). However, Meacham is directed to an electrical bus, and has no relevance to a rack and fastener arrangement including solar panels held onto channel members, as specifically recited in Claim 1 from which Claim 2 depends. As for Claim 2, Meacham clearly makes its power tap assemblies 50 of a conductive metal, and it would not be obvious to mold any of Meacham's electrically conductive components, such as its power tap assemblies 50, from a plastic material.

Claims 1 to 3, 8 to 9, 14, 17, and 19 were rejected under 35 U.S.C. 102(e) as being allegedly anticipated by Tomiuchi et al. However, Tomiuchi et al. relates to a system in which panels 10, 10 each terminate at a supporting rail 40 (See Tomiuchi et al. Fig. 2), and do not extend across it, as recited in the present claims and as illustrated, e.g., in Fig. 1 of this application. In fact, the special geometry of the Tomiuchi et al.'s rails 40 or 60 (Fig. 7) do not admit to the arrangement of this application, in which the edges of the panels are disposed across the rails, i.e., at right angles to the supporting channel members. Tomiuchi et al.'s top cover 50

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is shown in Fig. 2 as lined for metal, and there is no suggestion anywhere in Tomiuchi et al.'s drawings or text that this member 50 could or should be injection molded of a sturdy plastic material, as recited in Claim 2, or that it should have contoured lower edges, as recited in Claim 3 of the present application.

As for the remaining Claims, Hanoka et al. was cited in combination with Tomiuchi et al. in rejecting Claims 10 and 16 under 35 U.S.C. 103. Hanoka was only cited as teaching a strip of glazing material 42 adhesively mounted on one edge of the panel 30. It is clear from Hanoka et al. that the material 42 is a sealant (evidently a caulk, as no mention is made of "strips", and seals edges of panels to inside surfaces of an edge of the frame. This reference certainly does not teach interposing strips of a glazing material between the solar panels and at least one channel member, as recited in Claim 10, nor does it suggest glazing material situated on the support beam for cushioning the solar panels, as recited in Claim 16. Moreover, nothing in Hanoaka et al. teaches or suggests the subject matter of the parent claims 9 and 14 that is missing in Tomiuchi et al., as mentioned above.

Peterson (4,207,868) was applied only to Claims 11 to 13, and cited for the feature of a filler gasket. However, Peterson's "lateral connector" 93, as discussed at col. 4, lines 26 to 30, is not disclosed to be extruded or resilient, nor is it disposed at one or both sides of any fastener arrangement shown in Peterson. The lateral connector 93 is not formed of a rubberlike material. Moreover, Peterson also fails to show or suggest the subject matter of Claim 9 that is missing in the cited Tomiuchi et al. reference.

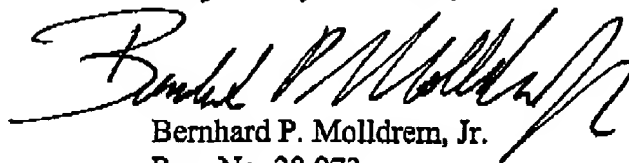
Garvison et al. was cited against Claim 18 for the feature of employing the rack as a wireway for electrical cables from the solar panels. However, Garvison et al., like the other cited references, supports the panel only at the edges, and fails to suggest the subject matter of the present claims that is missing in the other references.

The Examiner also cited Roberts, Adams, Miller, Dietrich, Kadonome, Barker and Pierce-Bjorklund, but did not apply any of these to the claims. Applicant has reviewed these additional references, and agrees with the Examiner's tacit assessment that these additional references do not show or suggest the subject matter in the claims being asserted.

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In view of the foregoing Amendments and Remarks, Applicant respectfully urges that all of Claims 1 to 19 are patentable, and early and favorable consideration is solicited.

Respectfully submitted,



Bernhard P. Molldrem, Jr.

Reg. No. 28,973

Attorney for Applicant
333 East Onondaga Street
Syracuse, NY 13203
(315) 422-4323